

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION**

UNITED STATES OF AMERICA

v.

ENOC ROMERO-FERNANDEZ

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CRIMINAL CASE NO. 2:12-CR-00617

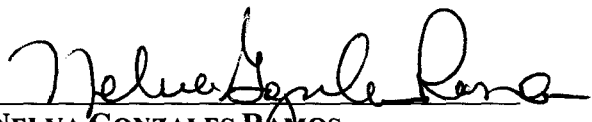
ORDER

Before the Court are Defendant Enoc Romero-Fernandez' motion for a transcript of his sentencing hearing at the government's expense and motion to proceed in forma pauperis. (D.E. 29 and 30.) For the reasons set forth below, the motions are DENIED.

As explained in the Court's previous Order denying Plaintiff's request for a transcript at the government's expense (D.E. 28), Defendant is not entitled to a free transcript because he has failed to explain his need for a transcript. The Court's denial of the request was not based on a lack of indigent status. An indigent defendant may have his transcript fee paid by the United States only where the transcript is needed to decide an issue in a pending, non-frivolous suit or appeal. 28 U.S.C. §753(f). Defendant is not, however, "entitled to obtain copies of court records at the government's expense to search for possible defects merely because he is indigent." *United States v. Herrera*, 474 F.2d 1049, 1049–50 (5th Cir. 1973). Accordingly, Defendant's motion for a transcript at the government's expense (D.E. 29) is DENIED. Even though Defendant appears to be indigent, he must still purchase a transcript at his own expense. The Court will not provide him a transcript at the government's expense unless he can demonstrate that a transcript is needed to decide an issue in a pending, non-frivolous suit or appeal.

Furthermore, Defendant's application to proceed in forma pauperis in district court without prepaying fees or costs (D.E. 30) is DENIED AS MOOT. Defendant has not filed any motion, petition, appeal, or other action for which he is required to pay a filing fees or costs. Accordingly, there is no basis upon which the Court can grant him leave to proceed in forma pauperis.

ORDERED this 22nd day of May 2013.


NELVA GONZALES RAMOS
UNITED STATES DISTRICT JUDGE